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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,220	12/28/2001	Michael R. Garrett	1662-51000 JMH (P00-3220)	9076
23505	7590	12/09/2004	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			NGUYEN BA, HOANG VU A	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,220

Applicant(s)

GARRETT ET AL.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed December 28, 2001.
2. Claims 1-30 have been examined.

Priority

3. The priority date considered for this application is December 28, 2001.

Oath/Declaration

4. The Office acknowledges receipt of a Declaration properly signed by John S. Lacombe, filed September 23, 2004.

Drawings

5. The formal drawings (1 sheet) filed June 19, 2002 are accepted by the Examiner.

Specification

6. The specification is objected to because of the following minor informalities:
 - a. page 2, line 2, the closing parenthesis should be inserted after “or taken away” rather than after “from” in order to clarify the meaning of the sentence;
 - b. page 3, section [0007], line 2, the pronoun “who” should be changed to – which – to agree with the antecedent “the kernel level software (driver).”

Claim Objection

7. Claim 27 is objected to because of the following informalities: the second “within the” in line 15 is redundant and should be deleted.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 6, 8, 10, 15, 19, 20 (line 1), 24, 28 and 30, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 6, 8, 10, 15, 20 (line 1), 24, 28 and 30 recite the limitation “approximately 128 bits in length.” The limitation is vague and indefinite because:

i. first off, it is unclear whether the number is 128 digits in length or 128 bits. If the number is of base 2, i.e., a binary number represented by a string of 0s and 1s, then 2^7 is 128 bits of 0s and 1s, 2^6 is 64 bits of 0s and 1s and 2^8 is 256 bits of 0s and 1s;

ii. secondly, how should approximately be interpreted? A number of 2^6 , or one of 2^8 , or one of 127 digits, or one of 129 digits in length? For art rejection purposes, the limitation is interpreted to mean – 128 digits in length –.

b. Claim 19 recites the limitation “a random number of sufficient length to be approximately globally unique.” The limitation is vague and indefinite because it is unclear as to how long is a random number sufficient long and as to how globally unique is a number approximately globally unique.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

11. Claims 1-2, 5-8, 21, 23, 27-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicants' admitted prior art (APA) in pp. 1-3 of Applicants' background of the invention.

Claims 1 and 21

APA discloses at least:

identifying BIOS routines with a unique identification number (see at least p. 2, section [0005]);

correlating the unique identification number to at least a service number in a data table (see at least p. 3, section [0007]);

determining, by a BIOS calling program, a services number of the BIOS routine based on the unique identification number from the data table (see at least p. 3, section [0007]); and then

calling, by the BIOS calling program, the BIOS routine based on the service number (see at least p. 2, section[0004]).

Claims 2 and 23

The rejection of base claims 1 and 21 are incorporated. APA further discloses *wherein determining a services number of the BIOS routine based on the unique identification number from the data table further comprises accessing the data table by the BIOS calling program based on*

the unique identification number to determine a services number associated with the unique identification number (see at least p. 3, section [0007]).

Claims 5 and 27

APA does not specifically disclose:

a central processing unit (CPU);

a main memory array;

a first bridge logic device coupling the CPU and the main memory array;

a graphics controller coupled to the first bridge logic device;

a video display coupled to the graphics controller;

a second bridge logic device coupled to the first bridge logic device by way of a primary expansion bus. However, these items are deemed inherent to APA as discussed in sections [0004-0005] of Applicants' background of the invention. Without this basic setup, the method of calling the BIOS routines would be inoperative.

APA further discloses:

a basic input/output system (BIOS) read only memory (ROM) coupled to the second bridge logic device by way of a secondary expansion bus (see at least section [0004-0005]);

a data table stored within the BIOS ROM, and wherein data table correlates unique identification numbers of BIOS routines to BIOS call services numbers for the BIOS routines (see at least section [0007]).

Claims 6, 8, 28 and 30

The rejection of base claims 5 and 27 is incorporated. Since claims 6, 8, 28 and 30 recite the same feature of claim 3, the same rejection is thus applied.

Claims 7 and 29

The rejection of base claims 5 and 27 is incorporated. APA further discloses:

a driver program executed by the CPU, the driver program adapted to execute BIOS routines (see at least section [0004]); and

wherein the driver program accesses the data table to determine a BIOS call service number for a BIOS routine based on the unique identification number (see at least sections [0004-0005]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-4, 9-20, 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA, as applied to base claims 1, 21 in view of U.S. Patent No. 6,578,069 to Hopmann et al. ("Hopmann").

Claims 3 and 24

The rejection of base claims 1 and 21 are incorporated. APA does not specifically disclose *wherein identifying BIOS routines with a unique identification number further comprises identifying BIOS routines with a Globally Unique Identifier (GUID) 128 bits in length.* However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary

skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claims 4 and 26

Rejections of base claims 1, 21 and intervening claims 3, 24-25 are incorporated. APA further discloses *wherein determining a services number of the BIOS routine based on the unique identification number from the data table further comprises accessing the data table by the BIOS calling program based on the unique number to determine a services number associated with the unique number* (see at least p. 3, section [0007]). APA does not specifically disclose a GUID. However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 22

The rejection of base claim 21 is incorporated. APA further discloses *wherein correlating the unique identification numbers to BIOS routine service numbers in a data table further comprises supplying the data table listing the unique identification numbers, and for each identification number listing a BIOS routine service number* (see at least p. 3, section [0007]).

Claim 25

The rejection of base claim 21 is incorporated. Since claim 25 recites the same feature of claim 22, the same rejection is applied.

Claim 9

APA discloses at least:

identifying a first BIOS routine with a first unique identification number (see at least p. 2, section [0005]);

determining the availability of the first BIOS routine by searching the data table based on the first unique identification number, presence of the first unique identification number indicating availability of the first BIOS routine in the computer system (see at least p. 3, section [0007].

APA does not specifically disclose *maintaining within the computer system a data table that lists unique identification numbers for available BIOS routines*. However, Hopmann discloses a data structure that provides a unique identifier of a resource (2:48-50) for the purpose of allowing the resource to be uniquely identified across a network (2:61-64). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's data structure in combination with APA teachings for the purpose discussed above.

APA does not specifically disclose *GUID*. However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 10

The rejection of base claim 9 is incorporated. Since claim 10 recites the same feature of claim 3, the same rejection is applied.

Claim 11

The rejection of base claim 9 is incorporated. APA does not specifically disclose *wherein maintaining within the computer system a data table that lists globally unique identification numbers for available BIOS routines further comprises maintaining the data table on a non-volatile device*. However, this feature is deemed inherent to APA as discussed in sections [0004-0005] of Applicants' background of the invention. Without the nonvolatile memory, the method of calling the BIOS routines would be inoperative.

Claim 12

Rejections of base claim 9 and intervening claim 11 are incorporated. APA does not specifically disclose *wherein maintaining the data table on a non-volatile device further comprises maintaining the data table on a BIOS read only memory (ROM)*. However, this feature is deemed inherent to APA as discussed in sections [0004-0005] of Applicants' background of the invention. Without the BIOS ROM, the method of calling the BIOS routines would be inoperative.

Claim 13

The rejection of base claim 9 is incorporated. Since claim 13 recites the same feature of determining a BIOS call service number of the BIOS routine of claim 1, the same rejection is applied.

Claim 14

Rejections of base claim 9 and intervening claim 13 are incorporated. Since claim 14 recites the same feature of correlating the GUID number to a BIOS service number in a data table, the same rejection is thus applied.

Claim 15

Rejections of base claim 9 and intervening claims 13-14 are incorporated. Since claim 15 recites the same feature of claim 3, the same rejection is applied.

Claim 16

Rejections of base claim 9 and intervening claims 13-15 are incorporated. Since claim 16 recites the same feature of claim 11, the same rejection is applied.

Claim 17

Rejections of base claim 9 and intervening claims 13-16 are incorporated. Since claim 17 recites the same feature of claim 12, the same rejection is applied.

Claim 18

APA discloses at least:

a set of BIOS routines stored on the BIOS ROM, each BIOS routine invoked by a service number (see at least p. 2, section[0004]).

APA does not specifically disclose:

a correlation table stored on the BIOS ROM, the correlation table correlates a Globally Unique Identifier (GUID) to a service number for at least one BIOS routine.

However, Hopmann discloses a data structure that provides a unique identifier of a resource (2:48-50) for the purpose of allowing the resource to be uniquely identified across a network (2:61-64). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's data structure in combination with APA teachings for the purpose discussed above.

Claim 19

The rejection of base claim 18 is incorporated. APA does not specifically disclose *wherein the GUID is a number generated based in part on a random number of sufficient length to be approximately globally unique*. However, Hopmann discloses a method for generating a GUID (see at least Figure 3 and related discussion in the specification) for the purpose of ensuring a unique ID across an entire network. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Hopmann's method of generating GUIDs in combination with APA teachings for the purpose discussed above.

Claim 20

Rejections of base claim 18 and intervening claim 19 are incorporated. Since claim 20 recites the same feature of claim 3, the same rejection is applied.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 6:45 to 16:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Hoang Nguyen Ba". The signature is fluid and cursive, with a long horizontal stroke at the end.

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122

November 30, 2004